

Lisa T. Sofferin, Atty.
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April 17, 2009

Office of the Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Motion to Strike Defense and Consolidate Proceedings
Proceeding No.91186518
Application Serial No. 77259002


Dear Commissioner,

The undersigned is counsel for Mara T. Sofferin. Enclosed you will find three original Motions to Strike Defense and Consolidate Proceedings for filing.

Please be advised that communications will be accepted by email at ardsleylaw@aol.com.

Thank you.

Sincerely,



Lisa T. Sofferin, Atty.

encl.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

MARA T. SOFFERIN,

Opposer

**Motion to Strike Defense and
Consolidate Proceedings**
Proceeding No. 91186518
Application Serial No. 77259002

v.

SAMANTHA KELMAN,

Applicant

Opposer Mara T. Sofferin hereby moves the Trademark Trial and Appeals Board for Orders striking Affirmative Defense No. 1 in Applicant's Answer to the Notice of Opposition and for Consolidation of this Proceeding and Proceeding No. 91186497 related to Application Serial No. 77258307.

A. Motion to Strike Affirmative Defense No. 1 of Answer to Opposition.

1. Opposer Mara Sofferin ("Sofferin") filed her Notice of Opposition in the instant Proceeding on September 15, 2008.

2. In the Answer served by Applicant Samantha Kelman ("Kelman") on March 27, 2009, Kelman asserted as Affirmative Defense No. 1 that this Opposition Proceeding was untimely.

3. Sofferin's Notice of Opposition was timely filed in accordance with the Order dated June 30, 2008 which extended the time to oppose Application Serial No. 77259002 until September 17, 2008.

4. As such, Affirmative Defense No. 1 asserted by Kelman is lacking in merit and should be stricken from her Answer.

B. Motion to Consolidate Proceedings.

5. Sofferin seeks to consolidate this Proceeding with Proceeding No. 91186497 relating to Application Serial No. 77258307.

6. As is evident from the Notices of Opposition filed in both Proceedings, each relates to the word mark "Save Our Women", each Proceeding involves the identical parties and each Proceeding involves the same or substantially the same facts.


7. Further, in each Proceeding Sofferin asserts the identical grounds of objection to registration of the marks.

8. Specifically, in each Proceeding Sofferin asserts that when Kelman filed the Applications in August, 2007 and the Amended Applications in April, 2008, her certification that "no other person . . . has the right to use the mark" was knowingly false and a deliberate attempt to mislead the Patent and Trademark Office.

9. In each Proceeding Sofferin also objects to registration of the marks on the ground of consumer confusion and generalized harm to Sofferin because, *inter alia*, Sofferin is the co-founder and co-owner of the Save Our Women business, is the co-owner of the common law Save Our Women marks and the marks which are the subject of the Application and Amended Application, is the co-owner of the domain www.saveourwomenshirts.com, is the owner and operator of www.saveourwomenonline.com, and has actively sold, marketed and promoted the Save Our Women business and products bearing the Save Our Women marks since 2005.

WHEREFORE, it is respectfully requested that Affirmative Defense No. 1 in the Answer be stricken and, further, that Proceeding No.91186497 be consolidated with this Proceeding.


DATE: April 17, 2009


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CERTIFICATE OF SERVICE AND MAILING

On April 17, 2009, Mara T. Sofferin caused to be served by First Class Mail the within Motion to Strike Defense and to Consolidate Proceedings upon Dean W. Amburn, Esq., Howard & Howard, 450 W. Fourth St., Royal Oak, Michigan, attorney for Samantha Kelman, and caused the same to be transmitted to the Commissioner of Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451 on that same date by the United States Post Office.

DATE: April 17, 2009


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